

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDRE SMALLS,
Plaintiff,

v.

BRADLEY E. HALTER, et al.,
Defendants.

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CIVIL ACTION NO. 20-5842

ORDER

AND NOW, this 24th day of February, 2021, upon consideration of Andre Smalls's Amended Complaint (ECF No. 13) and his filing titled "Add to Complain[t]" (ECF No. 20), it is **ORDERED** that:

1. Smalls's Amended Complaint is **DISMISSED** for failure to state a claim for the reasons discussed in the Court's Memorandum. Smalls's claims against Wallace H. Bateman and his claims challenging the search of his person and home are **DISMISSED WITH PREJUDICE**. Smalls's claims challenging the revocation of his probation and related imprisonment are **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). The dismissal is without prejudice to Smalls filing a new case only in the event his underlying parole revocation is reversed, vacated, or otherwise invalidated. This dismissal also does not prevent Smalls from proceeding on a petition for a writ of *habeas corpus*.

2. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ C. Darnell Jones, II
C. Darnell Jones, II J.